

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 23, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 463, SB 472, SB 476, SB 477, 3/15/1999

Executive Action: SB 163-Tabled, SB 273-Be
Concurred In, SB 326- Be
Concurred in as amended

HEARING ON SB 463

Sponsor:

Senator Wells presented SB 463.

{Tape : 1; Side : A; Approx. Time Counter : 35 - 142}

Proponents:

Mike Uda, self (Attorney)

{Tape : 1; Side : A; Approx. Time Counter : 142 - 294}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

Senator Wells made closing statements.

{Tape : 1; Side : A; Approx. Time Counter : 294 - 366}

HEARING ON SB 472

Sponsor:

Senator Wells presented SB 472.

{Tape : 1; Side : A; Approx. Time Counter : 366 - 550}

{Tape : 1; Side : B; Approx. Time Counter : 0 - 24}

EXHIBIT (juh65a0

1)

EXHIBIT (juh65a0

2)

EXHIBIT (juh65a0

3)

Proponents:

Bud Elwell, NW Arms Collectors

{Tape : 1; Side : B; Approx. Time Counter : 24 - 38}

Gary Marbut, Montana Shooting Sports Association

{Tape : 1; Side : B; Approx. Time Counter : 38 - 170}

Jeff Reising, self-collector

{Tape : 1; Side : B; Approx. Time Counter : 170 - 245}

Opponents:

Betty Waddell, Montana Association of Churches

{Tape : 1; Side : B; Approx. Time Counter : 245 - 371}

EXHIBIT (juh65a04)

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 371 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 313}

(Rep. Carol Williams wanted for the record to reflect that she objected to the line of questioning by Chairman R. Clark to Ms. Waddell.)

{Tape : 2; Side : A; Approx. Time Counter : 313 - 324}

Closing by Sponsor:

Senator Wells made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 324 - 450}

EXHIBIT (juh65a0

5)

EXHIBIT (juh65a0

6)

HEARING ON SB 476

Sponsor:

Senator Bishop presented SB 476.

{Tape : 2; Side : A; Approx. Time Counter : 450 - 550}

Proponents:

Mike Foster, Montana Contractor's Association

{Tape : 2; Side : B; Approx. Time Counter : 0 - 70}

Ed Maronick, Maronick Construction

{Tape : 2; Side : B; Approx. Time Counter : 70 - 92}

John Cadby, Montana Bankers Association

{Tape : 2; Side : B; Approx. Time Counter : 92 - 133}

Carl Schweitzer, Association of Sub-Contractors

{Tape : 2; Side : B; Approx. Time Counter : 133 - 143}

Gene Schadt, Helena Sand & Gravel

{Tape : 2; Side : B; Approx. Time Counter : 143 - 195}

Opponents:

None

Informational Testimony:

Bill Gowen, Helena Abstract & Title

{Tape : 2; Side : B; Approx. Time Counter : 195 - 227}

Questions from Committee Members and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 227 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 106}

Closing by Sponsor:

Senator Bishop made closing statements.

{Tape : 3; Side : A; Approx. Time Counter : 106 - 136}

HEARING ON SB 477

Sponsor:

Senator Mahlum presented SB 477,

{Tape : 3; Side : A; Approx. Time Counter : 168}

Proponents:

Noel Larrivee, Missoula County Transportation

{Tape : 3; Side : A; Approx. Time Counter : 168 - 237}

EXHIBIT (juh65a0

7)

(additional handouts in packet from Mr. Larrivee)

Pat Saindon, Dept. of Transportation

{Tape : 3; Side : A; Approx. Time Counter : 237 - 262}

Opponents:

None

Informational Testimony:

Christina Schweitzer, Montana Trial Lawyers Association
{Tape : 3; Side : A; Approx. Time Counter : 262 - 274}

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 274 - 303}

Closing by Sponsor:

Senator Mahlum made closing statements.

{Tape : 3; Side : A; Approx. Time Counter : 303 - 337}

EXECUTIVE ACTION ON SB 163

Motion: REP. YOUNKIN moved that SB 163 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. CLARK moved that SB 163-Be Amended; LATER P. CLARK WITHDREW HIS AMENDMENT AND MOVED TO TABLE. Motion carried 12-8 with Ahner, Anderson, R. Clark, Curtiss, Facey, Gallus, Soft, and Younkin voting no.

{Tape : 3; Side : A; Approx. Time Counter : 337 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 148}

EXECUTIVE ACTION ON SB 273

Motion: REP. AHNER moved that SB 273 BE CONCURRED IN.

Motion: REP. MOLNAR moved that SB 273 BE TABLED.

Motion failed on a voice vote.

Motion/Vote: REP. AHNER moved that SB 273 BE CONCURRED IN. Motion carried 17-3 with Jore, McGee, and Molnar voting no.

{Tape : 3; Side : B; Approx. Time Counter : 148 - 255}

EXECUTIVE ACTION ON SB 326

Motion/Vote: REP. WYATT moved SB 326-TO RECONSIDER FROM TABLED STATUS. Motion carried 12-8 with Ahner, Curtiss, Jore, McGee, Molnar, Shockley, Soft, and Younkin voting no.

Motion: REP. WYATT moved that SB 326 BE AMENDED.

Substitute Motion: REP. NOENNIG made a substitute motion to amend SB 326, BUT LATER WITHDREW HIS SUBSTITUTE AMENDMENT.

Motion/Vote: REP. WYATT moved that SB 326 BE AMENDED. Motion carried 13-7 with Ahner, Curtiss, Jore, McGee, Molnar, Soft, and Younkin voting no.

Motion/Vote: REP. GALLUS moved that SB 326 BE CONCURRED IN AS AMENDED. Motion carried 11-9 with Ahner, Curtiss, Hurdle, Jore, McGee, Molnar, Shockley, Soft, and Younkin voting no.

{Tape : 3; Side : B; Approx. Time Counter : 255 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 180}

Chairman R. Clark discussed some Housekeeping items such as Coffee fund payments still owing and ideas for field trips the House Judiciary Committee could take prior to the completion of this session.

They were:

Pine Hills

Great Falls Regional Prison and other Great Falls facilities

Butte

Supreme Court

District Courts

ISP

Law Enforcement Academy

Shooting Range

all members are to report at Fridays March 26, 1999 meeting what they would like to do.

Meeting adjourned.

ADJOURNMENT

Adjournment: 11:50 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh65aad)